



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

FEB 10 2003

Mr. James H. Buchholz
204 N Brayer St.
Holgate, OH 43527

Ref. No. 02-0249

Dear Mr. Buchholz:

This is in response to your September 19, 2002 letter regarding applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically you ask if intra-plant movement of hazardous material that cross a public railroad line is subject to the HMR?

The answer is yes. An intra-plant movement of hazardous material that utilizes or crosses a public railroad line is subject to the HMR during that portion of the movement.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



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02-0249
File: 171.1

I have an interpretation Dated Sep. 13, 1999 addressed to Mr. Rudolph Bouie, Ref. No. 99-0232 which states: "Similarly, intra-plant movement of hazardous materials that takes place within the contiguous plant boundary is not subject to HMR. However, intra-plant movement that utilizes or crosses a public road is subject to the HMR during that portion of the movement. My question is what if it is a public rail line instead of a road? The plant owns property on both sides of the tracks, and the railroad built acrossing for the plant to cross the tracks. This crossing is only available to the plant. I am traveling all week but am home at night and can check my e-mail. If possible I need an answer by the end of the day 9/18/02. You might be able to reach me by cell phone tomorrow. 419-262-0571. Respectfully - Jim Buchholz